THE MYSORE LAND RECORD OF RIGHTS ACT, 1927.

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MYSORE ACT No. X OF 1927.

THE MYSORE LAND RECORD OF RIGHTS ACT, 1927.

(*As amended by Acts VIII of* 1931 *and IX of* 1951.)

(Received the assent of His Highness the Maharaja on the 13th day of April 1927.)

An Act to provide for the Preparation and Maintenance of a Record of Rights in the lands of the [1][*State of Mysore except Bellary District.*]

WHEREAS it is expedient to provide for the preparation and maintenance of a record of rights in the lands of the [1][State of Mysore except Bellary District] in addition to any registers prescribed by or under the Mysore Land Revenue Code, 1888, and to amend the Code of Civil Procedure, and make other provisions in relation thereto, it is hereby enacted as follows :—

Short title.

1. (1) This Act may be called the Mysore Land Record of Rights Act, 1927.

Extent.

(2) The Government may, by notification in the *Mysore Gazette,* direct that this Act or any specified provisions thereof shall apply to any specified local area or with reference to any lands or any class of villages or lands or generally, and from such date as may be specified. Provided that the provisions of sections 11 and 13 shall apply in respect of a village only after the expiry of two years from the date of the notification in the *Mysore Gazette* referred to in sub-section (2) of section 4.

Modification of the provisions of the Land Revenue Code in areas to which this Act is extended.

2. Where the provisions of this Act have been applied, such of the provisions of the Mysore Land Revenue Code or any other enactment as are inconsistent with the provisions of this Act shall be deemed to be modified to the extent to which they are so inconsistent.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) the words "Revenue Officer," "Deputy Commissioner," "Amildar," "Deputy Amildar," "Alienated," "Taluk," and "District," shall be deemed to have the

1. See the Mysore Adaptation of Laws Order, 1953.

meaning respectively assigned to them by the Mysore Land Revenue Code, 1888, as from time to time amended ;

(*b*) " Certified copy " or " Certified extract " means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872 ;

(*c*) " Chavadi " includes in any village in which there is no Chavadi, such place as the Deputy Commissioner may direct shall be deemed to be the Chavadi for the purposes of this Act ;

(*d*) " to hold land " or to be a " land-holder " or " holder " of land means to be lawfully in possession of land, whether such possession is actual or not ;

(*e*) " holding " means a portion of land held by a holder ;

(*f*) The term " joint holders " or " joint occupants " means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu Law or otherwise, and whose shares are not divided by metes and bounds ; and where land is held by joint holders or joint occupants, " holder " or " occupant " as the case may be, means all of the joint holders or joint occupants ;

(*g*) " Landlord " means a lessor ;

(*h*) " Land records " means records maintained under the provisions of, or for the purposes of, this Act, and the Land Revenue Code ;

(*i*) " occupation " means possession ;

(*j*) " to occupy land " means to possess or take possession of land ;

(*k*) " Occupant " means a holder in actual possession of unalienated land, other than a tenant ; provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant ;

(*l*) " Occupancy " means a portion of land held by an occupant ;

(*m*) " Sub-Taluk " means a defined portion of a Taluk placed under the charge of a Deputy Amildar ;

(*n*) " Superior holder " means a land-holder entitled to receive rent or land revenue from other land-holders (hereinafter called " inferior holders "), whether he is accountable or not for such rent or land revenue or any part thereof, to Government ; provided that where land has been granted free of rent or land revenue, subject to

the right of resumption, in certain specified contingencies, by a Jahgirdar, Inamdar, or such other holder of alienated land whose name is authorisedly entered as such in the land records, such Jahgirdar, Inamdar or holder shall, with reference to the grantee, be deemed to be the superior holder of land so granted by him and the grantee shall, with reference to the grantor, be deemed to be the inferior holder of such land ;

(*o*) " survey number " means a portion of land of which the area and assessment are separately entered, under an indicative number in the land records ;

(*p*) " sub-division of a survey number " means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion ;

(*q*) " tenant " means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession ; but does not include a lessee holding directly under Government ;

(*r*) " village " includes a town or city and all the land belonging to a village, town or city.

Preparation and maintenance of Record of Rights.

4. (1) There shall be prepared as soon as conveniently may be and shall thereafter be maintained in every village to which the provisions of this Act have been applied a record of rights in all lands belonging thereto, which shall include the following particulars, namely :—

(*a*) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof ;

(*b*) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto ;

(*c*) the rent or revenue (if any) payable by or to any of such persons ;

(*d*) such other particulars as the Government may prescribe by rules made in this behalf :

Provided that the said particulars shall be entered in the record of rights with respect to *kadim* and other perpetual tenancies and also with respect to tenancies of any other classes to which the Government may by notification in the *Mysore Gazette,* direct that the provisions of this section shall apply in any local area or generally.

(2) When in respect of any village the preparation of the record of rights referred to in sub-section (1) is completed, such completion shall be notified in the *Mysore Gazette,* and may also be published in such other manner as may be prescribed by Government.

Any person affected by an entry in such record may within a period of two years from the date of such notification, apply for rectification of such entry to such officer as Government may empower in this behalf.

The order of such officer shall be subject to appeal as may be provided for under rules prescribed in this behalf.

Acquisition of rights to be reported.

5. [1][After the expiry of a period of six months from the date of a notification issued under sub-section (2) of section 1,] any person acquiring, by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant under the tenancies referred in the proviso to sub-section (1) of section 4 of the land, or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the officer appointed in this behalf within three months from the date of such acquisition, and the said officer shall at once give a written acknowledgment of the receipt of such report to the person making it :

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the officer appointed in this behalf :

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the officer appointed in this behalf.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge within the meaning of section 100 of the Transfer of Property Act, 1918.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.

Register of Mutations and Register of Disputed Cases.

6. (1) The officer appointed in this behalf shall enter in a register of mutations every report made to him under section 5 and shall also make an entry therein respecting

1. Substituted by Act VIII of 1931.

the acquisition of any right of the kind mentioned in sub-section (1) of section 5 which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(2) Whenever an officer appointed in this behalf makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavadi, and shall give written intimation to all persons appearing from the record of rights or register of mutations, to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to an entry made under sub-section (1) in the register of mutations be made either orally or in writing to the officer appointed in this behalf, it shall be the duty of the said officer to enter the particulars of the objection in a register of disputed cases.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed by rules made by the Government in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Government in this behalf: provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the register of mutations shall be tested and if found correct or after correction, as the case may be, shall be certified by a revenue officer of rank not lower than that of a Taluk Sheristedar.

(7) The provisions of this section shall apply in respect of *kadim* and other perpetual tenancies and also in respect of any tenancies mentioned in a notification under the proviso to sub-section (1) of section 4; but the provisions of this section shall not apply in respect of other tenancies which shall be entered in a register of tenancies in such manner and under such procedure as the Government may prescribe by rules made in this behalf.

Obligation to furnish information.

7. (1) Any person whose rights, interests or liabilities are required to be or have been entered, in any record or register under this Act shall be bound, on the requisition of any revenue officer engaged in compiling or revising the record or register, to furnish or produce

for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power :

Provided that no such requisition shall be made by a village accountant unless it has been previously countersigned by a revenue officer of such rank as may be prescribed by Government in this behalf.

(2) A revenue officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.

Penalty for neglect to afford information.

8. Any person neglecting to make the report required by section 5 or furnish the information or produce the documents required by section 7 within the prescribed period shall be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five rupees, which shall be leviable as an arrear of land revenue.

Division of survey numbers into sub-divisions.

9. Notwithstanding the provisions of section 109 of the Land Revenue Code—

(1) Survey numbers may from time to time and at any time be divided into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) The division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made by the Government in this behalf :

Provided that [1][the rate of assessment per acre applicable to] any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under section 112 of the Land Revenue Code unless such assessment is liable to alteration under section 48 of the same Act.

(3) The area and assessment of such sub-divisions shall be entered in such land records as the Government may prescribe in this behalf.

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1. Substituted by Act VIII of 1931.

Requisition of assistance in preparation of maps.

10. Subject to rules made in this behalf by the Government—

(*a*) Any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Act, exercise any of the powers of a survey officer under sections 107 and 108 of the Mysore Land Revenue Code except the power of assessing the cost of hired labour under section 108.

(*b*) Any revenue officer of rank not lower than that of an Assistant Commissioner or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses including the cost of clerical labour and supervision, on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand.

Certified copy of record to be annexed to plaint or application.

11. (1) The plaintiff or applicant in every suit or application as hereinafter defined relating to land shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

[1][(2) If the plaintiff or applicant fails to comply with the provisions of sub-section (1) and if he, on being required by the Court to produce the certified copy within a reasonable time to be fixed by the Court, or within such further time as may, from time to time, be allowed by the Court, fails to do so, the plaint or application shall be rejected; but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject matter, with a certified copy annexed.]

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Deputy Commissioner any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Deputy Commissioner shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register

1. Substituted by Act IX of 1951.

of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court, provided that, in the case of an appellate or revisional decree or order passed by the High Court, the communication shall be made by the Court from which the appeal lay or the record was called for.

(4) In this section—

(*a*) "Suit" means a suit to which the provisions of the Code of Civil Procedure apply;

(*b*) "Application" means an application,

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure;

(iii) for the filing of an agreement to refer to arbitration under paragraph 17 of the second Schedule to the said Code;

(iv) for the filing of an award under paragraph 20 of the said Schedule;

(v) of any other kind to which the Government may by notification in the *Mysore Government Gazette,* direct that this section shall apply;

(*c*) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land;

(*d*) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

Refusal of assistance under section 97.

12. Notwithstanding anything in section 97 of the Land Revenue Code, the Deputy Commissioner shall refuse assistance to any superior holder under the said section, if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies.

Presumption of correctness of entries in record of rights and register of mutations.

13. An entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Bar of suits.

14. No suit shall lie against the Government or any officer of Government in respect of a claim to have an entry made in any record or register that is maintained

under this Act, or to have any such entry omitted or amended.

Appeal.

15. Any person affected by an order made under sub-section (4) or an entry certified under sub-section (6) of section 6 [1][or the division of a survey number into sub-divisions or the assessment of such sub-divisions under sub-sections (1) and (2) of section 9] may [1][within a period of one month from the date of communication of the order to the party] appeal to such officer as may be empowered by Government in this behalf and his decision shall be final.

Revision.

The Deputy Commissioner of a district, may, of his own motion or on application of a party, call for and examine any records made under sections 4 and 6 and pass such orders as he may deem fit; provided that no order shall be passed except after hearing any party who will be adversely affected thereby.

Record of rights and register of mutations open to inspection and extracts and copies to be given.

16. Subject to such rules and the payment of such fees as the Government may from time to time prescribe in this behalf, the record of rights and register of mutations shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom or certified copies thereof, shall be given to all persons applying for the same:

Provided that applications for such certified extracts or certified copies may be made to, and such certified extracts or certified copies may be given by, either the officer appointed in this behalf or the Amildar of the Taluk, or the Deputy Amildar of the Sub-Taluk in which the village is included.

Rules.

17. (1) Government may, by notification published in the *Mysore Gazette,* make rules not inconsistent with the provisions of this Act to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made—

(*a*) regulating the division of survey numbers into sub-divisions and the fixing of the assessment of sub-divisions under section 9;

1. Inserted by Act VIII of 1931.

(*b*) regulating the construction, laying out, maintenance and repair of boundary marks ;

(*c*) regulating the compilation, maintenance and revision of the record of rights and the register of mutations, disputed cases and tenancies, and prescribing the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised ;

(*d*) regulating the exercise by officers appointed in this behalf and revenue officers of the powers of a survey officer and the assessment of costs and expenses under section 10 ;

(*e*) prescribing the mode, form and manner in which appeals under the Act shall be drawn up and presented ;

(*f*) prescribing the records, registers, accounts, maps, and plans to be maintained for the purposes of this Act and the manner and forms in which they shall be prepared and maintained.

(3) The power to make rules under this section, shall be subject to the condition of previous publication.

Penalty for breach of rules.

18. It shall be lawful for the Government in making any rule under section 17 to prescribe that any person committing a breach of the same shall, on conviction by a Magistrate, be punished with fine not exceeding five hundred rupees, in addition to any other consequences that would ensue from such breach.